



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

April 29, 2014

BY ELECTRONIC MAIL

Robert Law, PhD
demaximis, inc.
186 Center Street, Suite 290
Clinton, NJ 08809

Re: Draft Lower Passaic River Study Area (LPRSA) Human Health Risk Assessment (HHRA) and Baseline Ecological Risk Assessment (BERA) – Administrative Agreement and Order on Consent for Remedial Investigation/Feasibility Study (RI/FS) – CERCLA Docket No. 02-2007-2009

Dear Dr. Law:

This responds to your letter dated April 25, 2014 submitted on behalf of the CPG, stating that because EPA has released the Focused Feasibility Study and Proposed Plan for the FFS Study Area, and has yet to provide its evaluation of reference conditions, the CPG will not submit the BERA and HHRA. EPA does not agree and requests that the BERA and HHRA be submitted as soon as possible, but in any event, no later than May 2, 2014.

The CPG schedule provided in December 2013 called for submission of the draft HHRA and BERA on April 11, 2014. In late March the CPG indicated it would like additional time for its internal review of the draft documents. I asked that you adhere to the existing schedule. At that time, I also indicated that EPA did not anticipate a change in the background and reference direction previously provided to the CPG, but if there were a change, EPA would address this in our review and comment on the BERA. I offered that EPA would be available to discuss the background and reference issue, but the CPG did not contact me to discuss these issues.

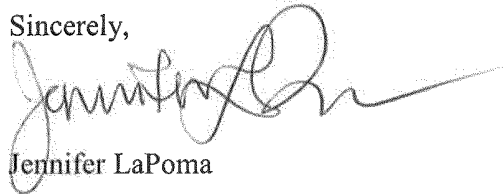
In my letter dated April 24, 2014, I again asked that the BERA and HHRA be submitted, and noted that if adjustments are needed to the BERA based on EPA's review and analysis of the reference issue, these can be addressed in EPA's comments back to the CPG on the BERA. It remains EPA's position that comments and recommendations on reference will be provided after receipt and review of the BERA. This is of importance as it will enable EPA to provide recommendations that take into account the internal reference condition evaluation specific to the LPRSA in context of CPG's presentation in the BERA. Comparison of EPA's discussions regarding the internal reference condition evaluation specific to other sites is not applicable.

Your April 25, 2014 letter seems to make it a condition of the CPG's submission of the BERA and HHRA that EPA first provide information about our internal reference condition evaluation. This is not consistent with the CPG's schedule or obligations under the AOC. You also indicate that the CPG will not provide these documents, now overdue, until it has completed

its review of the FFS and Proposed Plan. The fact that EPA released the FFS and Proposed Plan – on the day that the BERA and HHRA were due and should have been completed and ready to submit – cannot be used by the CPG as a reason not to submit these documents.

While we do not agree to extend the time for the draft BERA and HHRA, EPA is willing to consider a request by the CPG to extend or relax the due dates for RI/FS submissions that would otherwise be due in the next 45 days and beyond. To this end we ask that the CPG explain in writing which due dates it would like to have extended and provide a draft revised schedule to show what the effect on the overall schedule for the RI/FS would be. While not addressed in your April 25, 2014 letter, a revised schedule that specifies the outstanding modeling submissions, as specifically discussed in EPA's April 1, 2014 letter and April 9, 2014 email and also submission of the revised Feasibility Study Work Plan will be important in our consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer LaPoma", with a long, sweeping horizontal line extending to the right.

Jennifer LaPoma

Cc: Willard Potter, de maximis
Ray Basso, EPA
Sarah Flanagan, EPA
Patricia Hick, EPA